

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5964

AN ORDINANCE repealing Chapter 24.04 of the Bellevue City Code in its entirety and replacing it with a new chapter; providing for severability; and establishing an effective date.

WHEREAS, the City of Bellevue desires to update Chapter 24.04 BCC (Sewer Utility Code) to provide clarity, consistency, and improve current practices; and

WHEREAS, preserving and enhancing Bellevue's utility resources is a goal of the City's Environmental Stewardship Initiative and the City's Comprehensive Plan; and

WHEREAS, the Environmental Service Commission reviewed the improvements to Chapter 24.04 BCC and recommends adoption of such amendments by the City Council.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 24.04 of the Bellevue City Code is hereby repealed in its entirety and replaced with the following new chapter:

**Chapter 24.04
SEWER UTILITY CODE**

Sections:

- 24.04.010 Title.
- 24.04.020 Purpose.
- 24.04.030 Applicability and Compliance with Other Laws
- 24.04.040 City not liable.
- 24.04.041 Conflict of provisions.
- 24.04.042 Severability.
- 24.04.050 Definitions.
- 24.04.060 Authority of the utility.
- 24.04.065 Duty to serve.
- 24.04.067 Service interruptions.
- 24.04.070 Sewer system plan.
- 24.04.080 [Reserved]
- 24.04.100 Connections or modifications to the sewer system.
- 24.04.115 System ownership.
- 24.04.120 Permits – Approvals.
- 24.04.125 [Reserved]
- 24.04.130 Engineering and design requirements.

- 24.04.140 Installation responsibility.
- 24.04.150 Latecomer agreements.
- 24.04.160 Sewer easement requirements.
- 24.04.170 Construction requirements.
- 24.04.175 Construction and warranty inspections and tests.
- 24.04.210 Maintenance of sewer system.
- 24.04.213 Industrial waste discharge monitoring, abatement and pretreatment.
- 24.04.215 Unauthorized and prohibited discharges.
- 24.04.220 Right of entry for inspection.
- 24.04.240 Regulations of other agencies.
- 24.04.250 Fees for permits/approvals/specific services.
- 24.04.260 Connection charges.
- 24.04.270 Sewer rates.
- 24.04.275 Capital recovery charges.
- 24.04.280 Code violations, enforcement, and penalties.

24.04.010 Title.

This chapter shall be known as the sewer utility code and shall be referred to herein as the "code."

24.04.020 Purpose.

This code is enacted as an exercise of the city of Bellevue's ("city") police power as set forth in section 11 of the Washington Constitution to protect and preserve the public health, safety and welfare. The purpose of this code shall be liberally construed to:

- A. Provide for the planning, security, design, construction, use, maintenance, repair and inspection of public and private sanitary sewer systems;
- B. Establish programs and regulations to provide for the appropriate use of public and private sanitary sewer systems;
- C. Provide for the enforcement of the provisions of this code; the engineering standards and related city manuals and code provisions; and
- D. Provide for and promote the health, safety and welfare of the general public and not to create, establish, or designate any particular class or group of persons who may be especially protected or benefitted.

24.04.030 Applicability and Compliance with other laws.

- A. This code supplements and references certain provisions of the Bellevue City Code, including but not limited to Chapter 1.18 BCC, and other city ordinances and regulations regarding protection of the public and private sanitary sewer system.

B. Approvals, decisions, and permits granted under this code are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance is still required with all applicable federal, state, and local laws and regulations.

C. Compliance with the provisions of this code, the engineering standards, permits or other approvals, or in rules promulgated by the director do not necessarily mitigate all impacts to the environment. The primary obligation for compliance with such regulations and standards is prevention of environmental harm, which ultimately is placed upon property owners and responsible parties as defined in this code and Chapter 1.18 BCC.

24.04.040 City not liable.

A. Nothing contained in this code is intended to nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this code, engineering standards, or related manuals, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued in connection with the application or enforcement of this code, engineering standards, or related manuals, or by reason of any action or inaction on the part of the city related in any manner to the application or enforcement of this code, engineering standards, or related manuals by the city, its officers, employees, or agents.

B. Nothing in this code, engineering standards, or related manuals shall impose any liability on the city or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.

C. Nothing contained in this code, engineering standards, or related manuals shall require city involvement or enforcement of this code for private disputes occurring between property owners.

24.04.041 Conflict of provisions.

Should a conflict occur between the provisions of this code, the engineering standards or manuals adopted by the city in relation to this code, or between this code, the engineering standards and related manuals with laws, regulations, codes or rules promulgated by other authority having jurisdiction within the city, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this code.

24.04.042 Severability.

If any provision of this code, engineering standards, or related manuals, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the code, engineering standards, or related manuals, or

the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this code are declared to be severable.

24.04.050 Definitions.

Except where specifically defined herein, all words used in this code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; and the word "shall" is always mandatory, whereas the word "may" denotes a use of discretion in making a decision. The following words and phrases, when used in this code, shall have the following meanings:

A. A Definitions.

"As-built" means a final drawing of the actual installation of the structures, materials and equipment.

B. B Definitions. (Reserved)

C. C Definitions.

"Capital recovery charge" means a monthly charge imposed on improvements, developments, redevelopments or existing structures that place additional demand on each utility system after January 1, 1997. The capital recovery charge shall be based on an allocation of the utility plant in-service costs plus interest and the number of single-family equivalents served by each utility.

"Connection charges" means charges imposed as a condition of providing utility service so that each connecting property bears its equitable share of the costs of the public sewer system and the utility's share of the cost of any regional sewer collection system and of the costs of facilities that benefit the property. Connection charges include latecomer charges, capital recovery charges and direct facilities charges.

D. D Definitions.

"Director" means the director of the Bellevue utilities department, or his/her designated representative or other person designated by the city manager.

E. E Definitions.

"Emergency" means any natural or human-caused event or set of circumstances which disrupts or threatens to disrupt or endanger the operation, structural integrity, or safety of the public sewer system; endangers the health and safety of the public; or otherwise requires immediate action by the utility.

"Emergency management plan" provides the foundation, framework and guidelines for initiating and maintaining direction and control of the utility's response

efforts during all emergency or disaster scenarios. The emergency management plan is consistent with and supports the city of Bellevue emergency operations plans and emergency response plans maintained at the regional, state and federal levels of government.

“Emergency operation plan” provides guidance for mitigation, preparedness, response and recovery operations including disaster and emergency responsibilities and procedures, training and community education. The plan provides for the coordination of operations throughout the city during emergencies and disasters, and the best utilization of the city’s resources. The plan meets the requirements of a comprehensive emergency management plan as described in Chapter 118-30 WAC.

“Engineering standards” means the city’s utility engineering standards which include minimum standards for the design and construction of water, storm and surface water drainage and sanitary sewer facilities.

F. F Definitions.

“FOG” means fats, oils and grease.

G. G Definitions (Reserved).

H. H Definitions (Reserved).

I. I Definitions.

“Industrial waste” means any liquid, solid or gaseous substance or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, trade or research, including development, recovering or processing of natural resources.

J. J Definitions (Reserved).

K. K Definitions (Reserved).

L. L Definitions.

“Latecomer Agreement” means a contract that provides for the reimbursement of costs to developers who construct facilities that directly benefit other properties.

“Licensed side sewer contractor” means any person, partnership, corporation or association duly qualified and competent to do work incident to the construction or repair of side sewers under permits issued under this code and who shall have been duly licensed by the utility.

M. M Definitions (Reserved).

N. N Definitions.

“Nonpolar fats” means fats, oils or grease of animal or vegetable origin.

O. O Definitions (Reserved).

P. P Definitions.

“Polar fats” means fats, oils or grease of mineral origin.

“Pretreatment device” means any approved device, structure, system or method used and maintained for the purpose of bringing a waste stream within acceptable limits and standards of quality prior to its discharge to the public sewer system.

“Private sewer system” means any part of the sewer system that is not part of the public sewer system as defined in the code.

“Procedure” means a procedure adopted by the utility, by and through the director, to implement this code, or to carry out other responsibilities as may be required by this code, engineering standards, related manuals, or other codes, ordinances, or resolutions of the city or other agencies. Procedure as defined herein is often referred to as a standard operating procedure or SOP.

“Property owner” means any individual, company, partnership, joint venture, corporation, association, society or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

“Public sewer system” means the sanitary sewer system owned and operated by the utility.

Q. Q Definitions (Reserved).

R. R Definitions.

“Residential structure” means a single-family or duplex structure.

S. S Definitions.

“Sewage” means waste discharged from the sanitary facilities of buildings and includes industrial wastes.

“Sewer facility” means any facility for the conveyance or storage of sewage, whether part of the public sewer system or a private sewer system, which is connected to or intended to be connected to the public sewer system.

“Sewer main” means a pipe designed or used to transport sewage, excluding side sewers.

“Sewer pretreatment” means the treatment of industrial waste before discharge to the public sewer system.

“Sewer service” means providing for the disposal of sewage from a structure into the public sewer system.

“Sewer system plan” means the comprehensive wastewater plan for the utility, as adopted by the City Council, as now or hereafter amended.

“Side sewer” means a conduit extending from the public sewer main to the connection with a building’s plumbing system.

“Side sewer stub” means that portion of the side sewer in the right-of-way or easement dedicated to the utility.

“Standard Operating Procedure” or “SOP”. Refer to the definition of “procedure”.

“Structure” means a combination of materials constructed and erected permanently on or under the ground or attached to something having permanent location on or under the ground. Not included are residential fences, retaining walls less than 30 inches in height, rockeries less than 30 inches in height and similar improvements of a minor character.

T. T Definitions (Reserved).

U. U Definitions.

“Unsafe condition” means any condition on any premises, or in any private sewer system thereon, that is a hazard to public health, safety, welfare, or environment that does or may impair or impede the operation or functioning of any portion of the public sewer system or that may cause damage thereto.

“Utility” means the sewer utility component of the waterworks utility of the city of Bellevue, administered as a part of the Bellevue utilities department, as provided by Chapter 3.38 BCC.

“Utility developer extension agreement” means a contract between the utility and a property owner and/or developer that provides for plan review and inspection of sewer system facilities that satisfy all applicable code requirements.

“Utility service area” means that service area defined on the map filed with the city clerk under Clerk’s Receiving No. 8893, and as may be expanded through subsequent interlocal agreements, annexations and special utility district assumptions.

V. V Definitions (Reserved).

W. W Definitions (Reserved).

X. X Definitions (Reserved).

Y. Y Definitions (Reserved).

Z. Z Definitions (Reserved).

24.04.060 Authority of the utility.

The utility, by and through its director or his designee, including enforcement officers, shall have the authority to:

A. Develop, adopt and carry out procedures as needed to implement this code and to carry out other responsibilities of the utility, including, but not limited to, emergency management and operations plans, procedures pertaining to the billing and collection of sewer service charges and all other fees and charges imposed pursuant to this code and procedures for periodic adjustment of fees and charges imposed pursuant to this code;

B. Prepare, adopt, update, administer and enforce as needed, engineering standards to establish minimum requirements for the design and construction of sewer facilities and requirements for protecting existing facilities during construction. The engineering standards shall be consistent with this code and adopted city policies.

C. Administer and enforce this code and all procedures relating to the planning, acquisition, design, construction, inspection, maintenance, management, operation and alteration of the public sewer system, including capital improvements, and relating to the design, construction and inspection of private sewer systems;

D. Enter into contracts pursuant to Chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act, including contracts that provide for the reimbursement of owners constructing facilities (latecomer agreements) and agreements with private property owners for the extension of the sewer system (utility developer extension agreements);

E. Advise the city council, city manager and other city departments and commissions on matters relating to the utility;

F. Prepare and recommend the sewer system plan referenced in BCC 24.04.070 for adoption by the city council and implementation by the utility;

G. Perform or direct the performance of financial review and analysis of the utility's revenues, expenses, indebtedness, rates and accounting and recommend budgets, rates and financial policy for adoption by the city council;

H. Develop and implement programs related to sewer use, including an industrial waste management program for protection of the public sewer system and a septic system management program;

I. Carry out other responsibilities as required by this code or other city codes, ordinances or regulations consistent with the Bellevue comprehensive plan; and

J. Take enforcement action, to the extent allowed by law pursuant to Chapter 1.18 BCC.

24.04.065 Duty to serve.

The utility is responsible for providing sewer service to all customers within the utility service area, subject to the requirements of this code, other provisions of the Bellevue City Code and applicable state law. This responsibility is separate from contractual obligations to provide sewer service outside the utility service area.

24.04.067 Service interruptions.

Notwithstanding BCC 24.04.065, the utility does not guarantee that sewer service will be continuously available within the utility service area. Sewer service may be temporarily unavailable due to a system failure, emergency, construction or maintenance or other unforeseen circumstances. The utility is not responsible for costs or damages incurred by property owner, tenant or customer due to an interruption in service, whether planned or unplanned.

24.04.070 Sewer system plan.

A sewer system plan, also referred to as the city's comprehensive wastewater plan, shall be developed by the utility for review and adoption by the city council as required by state law. The utility shall recommend supplements or updated plans for adoption by the city council as needed.

24.04.080 [RESERVED]

24.04.100 Connections or modifications to the sewer system.

A. Connection to the Sewer System Required.

1. All structures which contain facilities for the disposal of sewage shall connect to the public sewer system unless a variance is granted pursuant to subsection B of this section. Where sanitary sewer service is not available and is required, the utility may require the property owner to install a sewer main extension.

2. Connections or modifications to the sewer system, including, but not limited to, the installation or repair of sewer mains or side sewers, and abandonment or removal of any structure connected to the public sewer system shall occur only if:

- a. Approval has been received from the utility (see BCC 24.04.120);
- b. All applicable requirements of this code and utility procedures have been met;
- c. All applicable engineering standards have been met or alternative standards have been approved by the utility as substantially equal;
- d. The property owner has paid all applicable fees and charges;
- e. Any existing on-site sewage disposal facilities are disconnected in accordance with health department requirements; and
- f. The property is within the utility service area or within an area served by the utility through agreement with an adjacent jurisdiction.

B. Variance from the Sewer Connection Requirement.

1. Any property owner may apply for a variance from the sewer connection requirement to allow for an on-site septic disposal system.

2. The director shall approve a variance only if all of the following decision criteria are met:

a. The property is more than 200 feet or such other distance as may be required by King County board of health on-site sewage regulations, via dedicated easements and/or right-of-way from the existing public sewer system or, in the case of subdivisions, the exterior boundary of the subdivision is more than 660 feet, measured in the same manner, from the existing public sewer system;

b. The proposed septic system will not have an adverse environmental effect on potable water wells, ground water, streams or other surface bodies of water;

c. The proposed septic system is in compliance with all applicable federal, state and local health and environmental regulations;

d. The cost of providing sewer service to the structure will result in an economic hardship. Economic hardship is defined as an unrecoverable cost equal to or exceeding 20 percent of the fair market value of a building site with utilities in place on which the structure is to be located.

3. Any variance issued by the director shall be subject to the following conditions:

a. The applicant must obtain King County health department approval of the septic tank system and must obtain any other permits which may be required by law for such system; and

b. The applicant shall record an agreement, in a form approved by the city and referred to herein as "agreement to connect," with the King County department of records and elections. Such agreement shall require payment of all connection charges at the time of actual connection to the system. The agreement shall be a covenant which runs with the land and is binding on the owners and successors in interest of the property. The agreement shall provide that the structure shall be connected to the public sewer system at such time as the system is available and that the property owner will not protest the formation of any future LID or ULID for extension of a sewer system that would serve the property. The sewer system shall be deemed available for purposes of this requirement whenever the structure can be connected to the system by an extension of 200 feet or less or, in the case of a subdivision, the boundary of the subdivision can be reached by an extension of 660 feet or less from the system.

4. The applicant may appeal a decision of the director denying a variance application pursuant to the Process II appeal procedures of LUC 20.35.250.

24.04.115 System ownership.

A. Utility Ownership of Sewer Facilities.

1. The utility owns all sewer facilities in public right-of-way and in easements dedicated to the public and accepted by the utility, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include mains, pump stations and side sewer stubs (that portion of the side sewer between the public sewer main and the edge of right-of-way or easement line).

2. The utility may acquire existing private sewer facilities, provided:

- a. Utility ownership of the facility would provide a public benefit;
- b. Necessary and appropriate property rights are offered by the property owner at no cost to the utility;
- c. The facility substantially meets current standards, as determined by the utility, or is brought up to current standards by the owner;
- d. The utility has adequate resources to maintain the facility; and
- e. The facility is transferred to the utility by bill of sale at no cost to the utility.

B. Private Ownership of Side Sewers. Side Sewers located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to and accepted by the City, except to the extent that public ownership is otherwise indicated as a matter of record. Property owners shall be responsible for the development, maintenance, and repairs of private side sewers and their appurtenances, including but not limited to check valves, cleanouts, and pumps.

24.04.120 Permits – Approvals.

A. General. The utility shall administratively develop submittal requirements for the various utility permits/approvals.

B. Side Sewer Permit.

1. A side sewer permit is required to construct a side sewer and/or to make any additions, repairs or connections to an existing side sewer.

2. If required, a side sewer permit application shall be made submitted and attested to by the property owner or his or her licensed and bonded contractor.

3. Side sewer permits for commercial projects, including multifamily structures, may be issued as part of the utility developer extension agreement, if one is required, pursuant to subsection (C)(1) of this section. The side sewer can be installed as part of the utility developer extension agreement and shall be put in use only after acceptance by the utility of the system extension.

4. Side sewer permits for lots in subdivisions shall be issued only after sewer main extensions have been accepted by the city.

5. Side sewer permits expire two years from the date of issuance. The director or his designee may extend the duration of an open side sewer permit for up to one year, provided the utility receives payment for any applicable fees.

6. Open applications for side sewer permits that have not been issued shall be canceled by the utility if not issued within one year from the date of submittal.

C. Utility Developer Extension Agreement.

1. The property owner and the utility shall enter into a utility developer extension agreement whenever an extension to an existing sewer main is required pursuant to BCC 24.04.100(A)(1) or 24.04.130(B)(2).

2. The utility shall approve constructed facilities as complete once the facilities have been built according to the approved plans and specifications, as confirmed by

utility inspectors, as-built drawings have been completed as specified in the engineering standards and all applicable fees and charges have been paid.

3. The property owner shall be required to provide surety devices, in a form approved by the city, for sewer system extensions in city right-of-way, for connections to the sewer main during construction and for a one-year warranty period following acceptance by the city.

4. When a utility developer extension agreement is required to serve a proposed commercial or multi-family building, the utility will not approve the building permit until the system extension agreement has been initiated. When a utility developer extension agreement is required to relocate a sewer main from under a proposed building, the utility will not approve the building permit until the developer extension has been completed and accepted by the utility, unless the building permit is conditioned to require relocation prior to site construction.

D. Temporary Sewer Service Agreement. Any single-family residential property owner may request temporary sewer service if permanent facilities, that is, facilities that meet all code requirements such as for system extension, are not available. The utility may provide temporary single-family residential service through a temporary sewer service agreement which shall:

1. Calculate and collect the property owner's fair share costs for installing permanent sewer facilities. When the property is not fully developed and therefore is subject to redevelopment, the city shall collect only the fair share cost for the developed portion at that time. When the property is redeveloped, the property owner shall build the permanent sewer facilities, or if they are already built, shall pay the remaining fair share costs. If a private property owner builds the permanent facilities, he/she will be paid the fair share costs that were collected under the temporary sewer service agreement plus accrued interest. Interest will be at a rate set by the director or his designee, based on appropriate standard cost indices. Total interest may not exceed the principal amount of the charge;

2. Establish a time limit for connecting to the permanent service once it is available;

3. Specify that the agreement runs with the land and is binding on the owners and their successors; and

4. Be recorded with King County against the real property on which the facilities are located.

E. Pump Station Agreement. Prior to construction of a privately owned sewer pump station other than for a single-family residence or serving a single-family lot, the property owner shall enter into a pump station agreement with the utility that sets forth the owner's maintenance and emergency responsibilities.

F. Agreement to Connect. When a variance to allow a septic system is granted, an "agreement to connect" must be recorded pursuant to BCC 24.04.100(B)(3).

G. Contractors shall be licensed in accordance with Washington State requirements and shall be registered with the city of Bellevue tax office.

H. Other Permits. It is the property owner's responsibility to identify and obtain all permits/approvals required for any proposed work.

24.04.125 [Reserved]

24.04.130 Engineering and design requirements.

A. General.

1. The property owner is responsible for sewer system design.
2. The sewer system designer shall be a civil engineer licensed in the state of Washington and qualified by both experience and educational background in the design of sewer facilities.
3. Engineering and design shall conform to the engineering standards.
4. Sewer facilities in a designated coal mine area are subject to additional design requirements. See the coal mine area subdivision, development, and building permit regulations adopted by Resolution No. 5712.

B. Sewer Facility Requirements.

1. Whenever property is developed or redeveloped in any way such that sewage discharge is changed in content or volume, new sewer facilities shall be required whenever necessary to:

- a. Meet hydraulic capacity requirements. See the engineering standards;
- b. Replace or relocate existing facilities as required or authorized by the utility; or
- c. Meet industrial waste pretreatment requirements pursuant to BCC 24.04.213.

2. Whenever property is developed or redeveloped, sewer mains shall be extended through and to the extremes of the property being developed, as required by the utility, when needed for the orderly extension of the public sewer system.

C. Side Sewer Design.

1. A maximum of four residential structures may be connected to a single side sewer.

2. Where physical conditions render compliance with utility side sewer requirements impracticable, the utility may require compliance insofar as is reasonably possible; provided, that the property owner execute and deliver to the utility an instrument, in a form furnished by the utility, agreeing to hold harmless and indemnify the utility and the city of Bellevue for any damage or injury resulting from such installation. The utility may require that such instrument be recorded against the property with the King County office of records and elections.

D. Pump Stations and Lifts.

1. Pump stations shall be permitted only for service to those properties which the director determines cannot reasonably be served by conventional gravity sewers.

2. In any structure in which the plumbing is too low to permit gravity flow to the designated connection point, the sewage shall be lifted by artificial means. When only the lower floor of a structure is too low for gravity flow, the sewage from the upper floors must flow by gravity.

24.04.140 Installation responsibility.

A. Property Owner Installation. The property owner shall be responsible for the installation of all sewer facilities required by this code. Installation shall be through a utility developer extension agreement or side sewer permit. See BCC 24.04.120.

B. Costs. The property owner shall be responsible for all installation costs regardless of whether the work is done by the utility or by the owner, provided that:

1. If the utility requires a property owner to construct a sewer facility beyond the scope of City code and engineering standards requirements, the utility shall compensate the property owner for the difference in cost between the normally sized sewer facility and the additional sewer facility, based on the lowest of three bids from reputable licensed contractors furnished by the property owner. Extending the sewer system to the extreme of the property, per 24.02.130.B.2, is a development requirement and is specifically not subject to reimbursement by the Utility.

2. A property owner who constructs a sewer system extension that directly benefits property in addition to the owner's may request a latecomer agreement in order to be reimbursed by benefiting properties that connect to the extension during the agreement's duration. See BCC 24.04.150 regarding latecomer agreements.

3. The city may install sewer facilities to facilitate development, coordinate with other city projects or for other utility purposes and may recover its costs, including interest, through a connection charge.

24.04.150 Latecomer agreements.

A. General. The utility may enter into any contracts authorized by Chapter 35.91 RCW, the Municipal Water and Sewer Facilities Act, including contracts which provide for the reimbursement of property owners constructing public facilities, commonly known as latecomer agreements.

B. Requesting a Latecomer Agreement. A property owner may request a Latecomer Agreement if the owner constructs a public sewer facility that benefits property in addition to the owner's property and it is not feasible for the owner to include such other benefiting property owner in the utility developer extension agreement. The request must be made in writing and unit costs must be provided before the utility accepts the public sewer facility.

C. Zone of Benefit. The utility shall determine which properties benefit from the public sewer facility that shall be subject to the latecomer agreement.

D. Method of Cost Allocation. The utility shall determine the method of cost allocation used.

E. Recording. The utility shall record the latecomer agreement with King County against the benefitting properties, at the property owner's expense.

F. Cost to Latecomer. As a condition of connection to the public sewer facility, each latecomer shall pay, at the time of connection, his/her pro rata share of the construction costs of the sewer facility, which are determined by the utility and specified in the latecomer agreement. Construction costs shall include but are not limited to design, installation, inspection, construction management, interest and the utility's project management costs.

G. Agreement Duration. Latecomer agreements may be in effect for up to 20 years following acceptance of the sewer facility.

H. Forwarding Latecomer Payment. While the latecomer agreement is in effect, the utility will collect the latecomer payments and forward them to the property owner who paid for the sewer facility, as specified in the agreement.

24.04.160 Sewer easement requirements.

A. When Required. An easement is required whenever:

1. A public sewer facility will be built on private property; or

2. A private sewer facility will be built on property owned by a different private party; or
3. A side sewer will serve two or more properties.

B. Requirements. All of the following requirements shall be met before the utility will accept, approve, or execute an easement:

1. Clear title in the grantor shall be demonstrated;
2. The proposed easement shall be compatible with utility clearance standards and setback standards and with other utilities, structures, buildings, or easements. The utility may require the easement to exclude other utilities and uses if necessary to protect the public sewer system;
3. The easement shall provide access to the facility for repair and maintenance. When deemed necessary by the utility, the easement shall contain provisions for long-term maintenance. Easements for side sewers serving more than one property must specify responsibility for costs of maintenance, repair and access;
4. The easement shall prohibit all buildings and structures within the easement area except those which can readily be removed, as determined by the utility, by the property owner at the owner's expense when access to the sewer facility is required by the utility. If such buildings or structures are within the easement area, an agreement with the utility to have the owner remove the structure upon request by the utility, approved by the city, shall be recorded; and
5. The easement dimensions and other requirements shall be in accordance with the engineering standards.

C. Costs. The property owner shall pay all costs of providing or obtaining and recording the easement.

D. Relinquishment of Easement. An easement granted to the utility may be relinquished only if the utility determines it is no longer needed and the city council authorizes the relinquishment.

24.04.170 Construction requirements.

A. General. When constructing or modifying sewer facilities, compliance is required with this code, the engineering standards, the approved permit, plans and specifications, the terms of any utility developer extension agreement, the recommendations of the manufacturer of the materials or equipment used and any applicable local, state or federal requirements.

B. Safety Requirements. Utility staff may perform inspections or hole-cuts only if shoring and other site conditions conforms with WISHA safety standards and other safety requirements, as applicable.

C. Failure to Complete Work or Meet Requirements.

1. The utility may complete sewer facility construction begun by a property owner or contractor, or take steps to restore the site (such as backfilling trenches and restoring the public way) if the work does not meet the requirements of this code, the engineering standard and other applicable utility requirements, provided the property owner or contractor fails to rectify the problem following notification by the utility; and the work, in the opinion of the utility, constitutes a hazard to public safety, health or the public sewer system.

2. Utility costs incurred pursuant to the preceding BCC 24.04.170(C)(1) shall be calculated pursuant to BCC 24.04.250(B) and charged to the property owner or contractor in charge of such work. The property owner or contractor shall pay the utility immediately after written notification is delivered to the responsible parties or posted at the location of the work. Such costs shall constitute a civil debt owing to the utility jointly and severally by such persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing the utility. In addition, if the City collected an assurance device it collect the debt from the assurance device by use of all means available under the law.

3. If, in the opinion of the director, the work being performed is not in accordance with these codes or engineering standards and the responsible person is unwilling to change or correct the deficiencies, the director may issue a stop work order until the deficiencies are corrected.

D. Additional Side Sewer Construction Requirements.

1. Side sewers may be constructed only by the following:

- a. Contractors licensed in accordance with BCC 24.04.120(G);
- b. Property owners working on their own property.

2. The side sewer permit shall be readily available at the job site at all times. No inspections will be completed if the permit is not available.

3. Connection shall be made to the wye or tee or side sewer stub designated at the time the side sewer permit is issued unless written permission to do otherwise is obtained from the utility. If the designated stub cannot be found, the utility will install one at the utility's expense. The utility shall not be responsible for costs incurred by the owner/contractor when looking for the stub.

E. Utility Relocations – Developer Initiated.

1. Public Sewer System Relocations – To the extent authorized by law, when relocations of the public sewer system are necessary to accommodate any

development or redevelopment, the property owner, applicant or project proponent for such development or redevelopment, including any governmental or regional entity, shall relocate at its sole cost and expense the affected facilities in accordance with all city codes, standards, permit conditions, and pursuant to any existing franchise or other agreement.

2. Non-Municipal Utility Relocations –To the extent authorized by law and except as provided in BCC 14.60.230, when relocations of non-municipal utility facilities are necessary to accommodate any public sewer facility associated with development or redevelopment, the property owner, applicant or project proponent for such development or redevelopment, including any governmental or regional entity shall, at its sole cost and expense, arrange for the relocation of such non-municipal utilities in accordance with all city codes, standards, permit conditions and pursuant to any existing franchise or other agreement.

24.04.175 Construction and warranty inspections and tests.

A. Construction/Installation Inspection.

1. All projects permitted or approved by the utility under a utility developer extension agreement or other permit are subject to utility inspection to ensure compliance with the code and permit/approval conditions. As a condition of permit issuance or execution of a utility developer extension agreement, the property owner shall consent to inspection and testing.

2. Newly installed sewer facilities shall be inspected, tested, and documentation completed according to the permit requirements or developer extension agreement conditions, the engineering standards, and procedures.

B. Warranty Inspections and Tests. Facilities and equipment accepted by the utility under specific warranties may be re-inspected at the utility's discretion and, if necessary, retested prior to the expiration of the warranty period.

24.04.210 Maintenance of sewer system.

A. Responsibility. The utility has responsibility for maintenance of the public sewer system unless otherwise provided by agreement, local ordinance or state law. Owners of private sewer systems are solely responsible for maintenance and operation of such private systems.

B. Contract Maintenance. The utility may agree to provide maintenance service to maintain private sewage pump stations that serve more than one residence, by contract and at the owner's expense, in order to meet the city's obligation to the Washington State Department of Ecology for maintenance responsibility.

C. Side Sewer Cleaning. All side sewer cleaning contractors and/or plumbers, side sewer contractors and owners, prior to cleaning existing side sewers (as

distinguished from plumbing and septic tank facilities), shall notify the utility of such operations and comply with utility requirements. Debris cleaned from a side sewer shall be removed and shall not be caused to enter the sewer main. If debris causes a downstream blockage, the owner or his agent shall be liable for any resulting damages.

24.04.213 Industrial waste discharge monitoring, abatement and pretreatment.

A. General. The industrial waste program is intended to prevent, control and correct the discharge of substances, such as hazardous, dangerous, caustic or explosive materials, polar and non-polar fats, oils and greases, which could cause hazardous, dangerous or explosive conditions within the public sewer system or could cause blockages, operational failures or premature degradation of the public sewer system.

B. Applicability of Other Regulations. All discharges to the public sewer system shall comply with all applicable rules and regulations of any federal, state or local agency having governmental or contractual jurisdiction within the utility service area.

C. Pretreatment of Discharges. The utility shall require the pretreatment of discharges to the public sewer system, except single-family residences, if necessary to prevent and/or correct hazardous, dangerous, or explosive conditions or blockage, operational failure or premature degradation of the public sewer system. Notwithstanding the above, all restaurants and food-processing businesses shall install pretreatment methods, such as grease interceptors, oil-water separators, biological or chemical treatment and other best available technology, to reduce or eliminate FOG discharges. All pretreatment systems are subject to review and approval by the utility.

D. Sampling and Inspection Tees and Manholes. Sampling and/or inspection tees or manholes in the side sewer connection(s) to the public sewer system may be required in all connections, except single-family residential connections. Inspection tees and manholes enable the utility to monitor and test the discharge for compliance with utility requirements or to allow monitoring and testing in accordance with the rules and regulations of other federal, state or local agency having governmental or contractual jurisdiction within the utility service area.

24.04.215 Unauthorized and prohibited discharges.

A. Certain Wastes Prohibited. No person shall discharge or cause the discharge of any of the following wastes into the public sewer system, by direct or indirect means:

1. Flammable liquids, solids or gases capable of causing or contributing to an explosion or supporting combustion in any public sewer facility or side sewer connection to the public sewer system, such as, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, or any

other substances that the utility, King County department of metropolitan services, a fire department or fire district with jurisdiction, any state agency or the Environmental Protection Agency have identified as a fire hazard or a hazard to the system;

2. Any solid or viscous substance or particles in a quantity, either by itself or in combination with other wastes, that is capable of obstructing flow or interfering with the operation or performance of the public sewer system;

3. Any gas or substance that, either by itself or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry by authorized personnel to pump stations and other sewer facilities;

4. Any gas or substance that, either by itself or by interaction with other wastes, may cause corrosive structural damage to the public sewer system;

5. Heated substances in amounts that prevent entry into public sewer facilities by authorized personnel or that adversely impact facilities;

6. Food waste that cannot pass through a one-fourth-inch sieve;

7. Any radioactive wastes or isotopes that exceed such concentration limitations as established by applicable Washington State Department of Health regulations;

8. Trucked and hauled wastes, except as approved by the utility and discharged at designated locations;

9. Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted waste water and/or any water or wastes generated during construction activities, unless specifically authorized by the utility;

10. Substances that may cause excessive foaming in the public sewer system;

11. Polar and nonpolar fats, oils and greases in amounts that cause a visible sheen on the discharge or in the public sewer system, build-up of grease in any public sewer facility or which accumulations either alone or in combination with other discharges cause obstruction of the public sewer system or

12. Any wastes or substances which exceed local discharge limits of, or are prohibited by, any other federal, state or local agency having governmental or contractual jurisdiction within the sewer service area.

B. Discovery of Unauthorized or Prohibited Discharge. Upon discovery of an unauthorized or prohibited discharge the utility shall notify the property owner and/or responsible party as defined in Chapter 1.18 BCC and the applicable King County department in writing as soon as possible of the nonconforming or prohibited discharge and of all corrective measures necessary.

C. Damage Caused by Unauthorized or Prohibited Discharges. Any person discharging or causing, either directly or indirectly, an unauthorized or prohibited discharge to the public sewer system, that results in damage to, blockage of or premature degradation of any public sewer facility, shall be liable for said damage and financially responsible for any and all necessary repairs or other corrective actions necessary to restore the public sewer system to full and normal operation.

D. Any violation of this section or any provision of this code shall constitute a civil violation subject to the enforcement procedures set forth in Chapter 1.18 BCC.

24.04.220 Right of Entry for inspection.

A. An authorized representative of the utility may enter private property at all reasonable times to conduct inspections, tests or to carry out other duties imposed by the code, provided the utility shall first notify the proper owner or person responsible for the premises. If entry is refused, the director shall have recourse to every remedy provided by law to secure entry.

B. For inspection programs authorized by the director or his designee, the utility may provide advance mailings of its intent to inspect properties consistent with such inspection programs;

24.04.240 Regulations of other agencies.

A. General. The responsibility for determining the existence and application of local, state and federal laws and regulations pertaining to sewer facilities and sewer use remains solely with the affected property owner.

B. Regulations of King County and Other Cities and Towns. Utility customers outside the city of Bellevue are subject to city of Bellevue requirements related to sewer facilities unless more stringent requirements of the local jurisdiction in which such customers are located are applicable.

C. King County Department Regulations. Utility customers shall comply with all applicable requirements of applicable King County Departments.

24.04.250 Fees for permits/approvals/specific services.

A. General.

1. The applicable city director shall develop for city council review and adoption a schedule of fees and charges for all permits and other specific services provided by the utility, including:

- a. Utility developer extension agreements;
- b. Disconnection charge for unauthorized connections;

- c. Side sewer permits;
- d. Hole-cuts; and
- e. Miscellaneous maps, plans, drawings, copies and documents provided by the utility.

2. The fees referenced in this section are in addition to applicable rates for sewer service and connection charges.

B. Fee Amount. The fee amount for each permit, approval or specific service shall cover the actual utility costs associated with that permit, approval or service, including all of the following that apply:

1. Labor, including any and all time spent on engineering, plan review, installation, properly abandoning any existing facilities, site restoration, inspection, testing, certification, creating an as-built of the project and legal review. Inspections and other work requested beyond normal working hours are charged based on the utility's overtime pay practices.

2. Expenses including, but not limited to, supplies (not including office supplies), materials, equipment and tool rental, applicable state and federal taxes and any fees for permits the utility must obtain.

3. Overhead, at a rate to be established by the utility pursuant to written procedures.

C. Fee Schedule. The applicable city director may adjust the schedule of fees and charges without further city council action to the extent necessary to reflect actual changes in the utility's cost of providing the service.

24.04.260 Connection charges.

A. General.

1. The utility shall collect connection charges, in order that each connecting property shall bear its equitable share of the cost of the public sewer system.

2. Connection charges shall be paid before a property is allowed to connect to the public sewer system. Connection charges not previously paid, such as charges for new facilities that directly benefit the property, shall be paid when the property undergoes, either at one time or cumulatively through more than one project, a substantial remodeling as defined in LUC 20.50.044 or more substantial improvement or if an improvement or cumulative improvements significantly impact downstream system capacity.

3. Connection charges that have been paid as a result of development activities on the property or through participation in an LID or ULID shall not be reassessed.

4. The utility may enter into contracts with property owners of single-family homes and with the owners of redevelopment projects that meet criteria specified by the utility for payment of connection charges over time instead of as a lump sum. The utility will charge interest, at a rate set by the director or his designee, on any outstanding debt covered by a payment contract. A contract shall be payable in full at the time of closing upon sale of the property.

B. Direct Facilities Charges.

1. The utility shall assess and collect direct facilities charges from property owners that directly benefit from utility-built or privately built sewer facilities, except property owners who previously paid their fair share through an LID or ULID. Facilities that may be covered in a direct facilities charge include, but are not limited to, stubs built from the sewer main to the property line, pump stations and mains.

2. The direct facilities charge is the property owner's equitable share of the established costs of the facilities he/she benefits from. The equitable share shall include interest charges applied from the date of construction acceptance of the facility until the property connects, or for a period not to exceed 10 years, whichever is less, at a rate commensurate with the rate of interest applicable at the time of construction of the facility to which the property owner is seeking to connect but not to exceed 10 percent per year; provided, that the aggregate amount of interest shall not exceed the equitable share of the cost of the facility allocated to such property owner.

3. The facilities' costs shall be allocated to benefitting property owners based on the number of single-family equivalents. The director may, however, make such allocation based on front footage or other reasonably based methodology if the director determines that such alternate basis or methodology better assures equitable sharing of cost by all properties benefitting from the facilities.

C. Administrative Procedures; Adjustment of Charges. The director is authorized to adopt administrative procedures for the purpose of administering the provisions of this section, and to adjust the charges established by subsections A and B of this section from time to time to reflect the actual cost of the facilities for which the charges are made.

24.04.270 Sewer rates.

A. General. The city council shall establish rates for sewer use and service; such rates are in addition to connection charges and fees for specific services. The utility may establish classifications of customers or service, using any method or methods authorized by law.

B. Rate Basis. Sewer rates shall be based on revenue requirements necessary to cover all costs of the utility, as authorized by the city council by the adoption of the biennial budget and subsequent amendments and shall be guided by adopted financial policies and bond covenants.

C. Rate Adjustments. Rates shall be evaluated periodically as part of the review and adoption of the biennial budget. Rate adjustments shall be recommended as needed to meet revenue requirements. Any recommended rate adjustment shall consider equity, adequacy, cost and other factors allowed by law.

D. Billing and Collection. The utility shall develop and implement procedures and systems pertaining to the billing and collection of sewer service charges and fees in accordance with state law.

E. Rate Relief. The city council may establish sewer rate relief measures for specific customer classes as authorized by state law.

24.04.275 Capital recovery charges.

A. The utility shall establish and collect a monthly capital recovery charge so that each new improvement, development, redevelopment or existing structure that places an additional demand on the public sewer system bears its equitable share of the cost of said public utility system.

B. Right-of-way and non-building tracts shall be exempt from the capital recovery charge.

C. The capital recovery charge shall be based on the cost of the sewer utility plant-in-service, less the cost of donated facilities, less the cost of city-built local facilities for which direct facilities charges are imposed, plus recoverable interest divided by the customer base as quantified by single family equivalent units.

D. The capital recovery charge shall be placed on affected properties as monthly charge for a period of 10 years.

E. The director or his designee is authorized to adjust the capital recovery charge value based upon updated values of the above described elements.

24.04.280 Code violations, enforcement, and penalties.

The enforcement procedures and penalties associated with violations of this code are set forth in BCC 1.18.075.


Section 2. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

ORIGINAL

Section 3. This ordinance shall take effect and be in force thirty (30) days after passage and legal publication.

Passed by the City Council this 20th day of September, 2010
and signed in authentication of its passage this 20th day of September,
2010.

(SEAL)


Don Davidson, DDS
Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Lacey Madene, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

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